Attorney Docket No. 279.278US1

SCHWEGMAN LUNDBERG WOESSNER KLUTH

United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND METHOD FOR REMOVING NARROWBAND NOISE.**

The specification of which was filed on January 4, 2001 as application serial no. 09/754.098.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

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Attorney Docket No.: 279.278US1 Serial No. 09/754,098 Filing Date: January 4, 2001 Page 2 of 4

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael Arora, Sumeel Beckman, Mervin L. Binnchi, Timothy E. Billion, Richard E. Black, David W. Brennan, Leoniede M. Brennan, Thomas F. Brooks, Edward J., Ill Clapp, Richard R. Clark, Barbara J. Clise, Timothy B. Dahl, John M. Drake, Eduardo E. Embresson, Japet E. Fornenbacher, Paul J. Forrest, Bradley A. Gamon, Owen J. Gortych, Joseph E. Harris, Robert J.	Reg. No. 24,916 Reg. No. 42,267 Reg. No. 38,377 Reg. No. 39,610 Rvg. No. 32,836 Rog. No. 42,331 Reg. No. 35,075 Reg. No. 35,075 Reg. No. 35,075 Reg. No. 31,751 Reg. No. 31,751 Reg. No. 38,107 Reg. No. 40,927 Reg. No. 40,957 Reg. No. 40,594 Reg. No. 40,594 Reg. No. 40,594 Reg. No. 40,594 Reg. No. 30,665 Reg. No. 30,665 Reg. No. 30,665 Reg. No. 30,663 Reg. No. 30,6143 Reg. No. 36,143 Reg. No. 36,143 Reg. No. 36,143 Reg. No. 37,346	Hill, Samley K. Huebsch, Juseph C. Jurkovich, Patei J. Kalis, Janal M. Kaufmann, John D. Klims-Silberg, Catherine I. Kluth, Daniel J. Lacy, Rodney L. Lemaire, Charles A. LeMoine, Dama B. Lundberg, Steven W. Macyaert, Paul I. Maki, Peter C. Malen, Peter I. Mates, Robert E. McCrackin, Ann M. Moore, Charles L., Jr. Nama, Kash Nasietlak, Tyler I. Nelson, Albin J.	Reg. No. 37,548 Reg. No. 42,673 Reg. No. 44,813 Reg. No. 37,650 Reg. No. 37,650 Reg. No. 30,146 Reg. No. 30,146 Reg. No. 30,146 Reg. No. 30,146 Reg. No. 30,568 Reg. No. 40,062 Reg. No. 40,076 Reg. No. 40,076 Reg. No. 42,832 Reg. No. 42,832 Reg. No. 42,858 Reg. No. 33,742 Reg. No. 33,742 Reg. No. 33,742 Reg. No. 44,255 Reg. No. 44,255 Reg. No. 44,255 Reg. No. 44,099 Reg. No. 28,630	Nielsen, Waher W. Oh, Affen J. Padys, Danny J. Parker, J. Kevm Perdok, Monique M. Peterson, David C. Pront, William F. Schumm, Sheny W. Schwegman, Micheal L. Scott, John C. Smith, Michael G. Speier, Gary J. Steffey, Charles E. Stordal, Leff T. Terry, Kathleen R. Tong, Viet V. Viksnins, Amn S. Vogel, Peter J. Woessner, Warren D.	Reg. No. 25,539 Rog. No. 42,047 Rog. No. 33,024 Rog. No. 33,024 Rog. No. 42,989 Rog. No. 74,857 Reg. No. 33,995 Reg. No. 39,422 Reg. No. 39,422 Reg. No. 38,613 Rog. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 45,458 Reg. No. 31,884 Rog. No. 31,884 Rog. No. 31,884 Rog. No. 37,748 Rog. No. 41,363 Rog. No. 41,363 Rog. No. 41,363 Rog. No. 30,440
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Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Citizenship: Post Office Address:	United States of America 832 Overlook Place Eagan, MN 55123	Residence: Eagan, MN	
Signature:		Date:	
	Joseph E. Bange		
Full Name of joint inventor Citizenship: Post Office Address:	United States of America 13690 49th Street North	Residence: Stillwater, MN	· .
Signature:	Stillwater, MN 55082	Date:	=

X Additional inventors are being named on separately numbered sheets, attached hereto.

Page 3 of 4

_Signature:

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Full Name of joint invent Citizenship: Post Office Address:	United States of America 20225 Mushtown Road Prior Lake, MN 55372-8899	Residence: Prior L	ake, MN		:	
Signature:	Fred Schleifer	Date:	_31	J4/:	01	
Full Name of inventor. Citizenship: Post Office Address:		Residence:		·		
Signature.		Date:				
Full Name of inventor: Citizenship: Post Office Address:		Residence:				
Signature:		Date:			-	
Full Name of inventor. Citizenship: Post Office Address:		Residence:				

Date:

Atturney Docket No.: 279.278USI Serial No. 09/754,098 Filing Date: January 4, 2001 Page 4 of 4

- § 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of impatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignce or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Arona, Suneel	Reg. No. 42,267	Huebsch, Joseph C.	Reg. No. 42,673	Oh, Allen J.	Rcg. No. 42,047
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Bianchi, Timothy E.	Reg. No. 39,610	Kalis, Janal M.	Reg. No. 37,650	Purker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Rog. No. 32,836	Kaufmann, John D.	Reg. No. 24.017	Perdok, Monique M.	Reg. No. 42,989
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Brennan, Leoniede M.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Res. No. 39,422
Breman, Thomas F.	Reg. No. 40,925	Lennire, Charles A.	Reg. No. 36, 198	Schwegman, Micheal L.	Reg. No. 25,816
Brooks, Edward J., III		LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Chapp, Richard R.	Reg. No. 31,751		Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
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Full Name of joint inventor in	mber 1: <u>Joseph K. Bange</u>		
Citizenship:	United States of America	Residence: Engan, MN	
Post Office Address:	# 832 Overlook Place		
	Fagan, MN 55123		1.1
Signature:	l Pr	Date: 23	July 2001
	scph E. Bange		
//			·
Full Name of joint inventor no	imber 2: <u>Steven Schmitt</u>		
Citizenship:	United States of America	Residence: Stillwater, MN	•
Post Office Address:	13690 49th Street North		
	Stillwater, MN 55082		
			=
Signature:		Date:	
Ste	even Schmitt	•	•

X Additional inventors are being named on separately numbered sheets, attached hereto.

Serial No. 09/754,098 Filing Date: January 4, 2001	D21		rage 3 01 4
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Full Name of joint invent Citizenship: Post Office Address:	tor number 3: Fred Schleifer United States of America 20225 Mushtown Road Prior Lake, MN 55372-8899	Residence: Prior Lake, MN	
Signature:	Fred Schleifer	Date:	
Full Name of inventor: Citizenship: Post Office Address:	·	Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship; Post Office Address;		Residence:	•
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
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Citizenship: Post Office Address:	United States of America 832 Overlook Place Eagan, MN 55123	Residence: Eagan, MN	
Signature:	Joseph E. Bange	Date:	
Full Name of joint inventionship: Post Office Address: Signature:		Residence: Stillwater, MN Date: 7/26/01	·

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Full Name of joint inventor number 1: Joseph E. Bange

_Signature:

Serial No. 09/754,098 Filing Date: January 4, 2001			
made on info knowledge d Section 1001	ormation and belief are believed to be true; a pat willful false statements and the like so m	of my own knowledge are true and that all and further that these statements were made ade are punishable by line or imprisonment hat such willful false statements may jeopan	with the , or both, under
Full Name of joint inven Citizenship: Post Office Address:	tor number 3: <u>Fred Schleifer</u> United States of America 20225 Mushnown Road Prior Lake, MN 55372-8899	Residence: Prior Lake, MN	
Signature:	Fred Schleifer	Date:	·
Full Name of inventor: Citizenship: Post Office Address:		Residence:	_
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Full Name of inventor: Citizenship: Post Office Address:		Residence:	-
Signature:		Date:	
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Full Name of inventor: Citizenship: Post Office Address:		Residence:	

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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a parent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being a made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facte case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.